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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/359,838 07/23/1999 STANLEY E. KAY PD-990149 3345 20991 7590 09/10/2003 **HUGHES ELECTRONICS CORPORATION** EXAMINER PATENT DOCKET ADMINISTRATION NGUYEN, STEVEN H D BLDG 001 M/S A109 P O BOX 956 ART UNIT PAPER NUMBER EL SEGUNDO, CA 902450956 2665 DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		Application No.	Applicant(s)	
Staven HD Nguyen 2655	. •	09/359,838	KAY ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eacherison's of the many be withinked most the provision of 3 CPR-1 358(b), in no want, however, may a righty be timely filled Eacherison's of the many be addressed to the many be addressed to the many be addressed to the part of the period for reply specified above. In the small matterly provided will be period for reply specified above is less than thinky (30) days, a reply while the statutory minuted to the part of the period for reply specified above. The manufacture provided will be period for reply specified above. The manufacture provided supply and will expire \$0.000 NOTION (30) (30) of the period for reply specified above. The manufacture provided supply and will expire \$0.000 NOTION (30) of the period to reply specified the manufacture provided will be period to reply specified to the period of the communication. A provided patient term adjustment. See \$3 CFR 1.704(b). Status Status Responsive to communication(s) filed on 24 June 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are objected to by the Examiner. 4phication Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is/are: a) accepted or b) disapproved by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) disapproved by the Examiner. 11) The proposed drawing correction filed on is/are: a) allowance seeds of the priority docume		Examiner	Art Unit	
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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-39, drawn to a method for forming a frame format that includes a first plurality of time slots for overhead portion and a second of plurality of time slots for traffic portion, classified in class 370, subclass 345.
- II. Claims 40-45, drawn to a method for generating a traffic burst includes a preamble portion comprising a data section which is between first and second unique word, defines a preamble split length, classified in class 710, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a frame format which includes a first plurality of time slots for overhead portion and a second of plurality of time slots for traffic portion in a different modulation modes and invention II has separate utility such as a traffic burst includes a preamble portion comprising a data section between first and second unique word and for defined a preamble split length and a data portion. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. A telephone call was made to Mr. John Whelan on 9/3/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Steven HD Nguyen Primary Examiner Art Unit 2665 September 4, 2003